

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

The United States of America for the use
and benefit of Robert Lloyd Electric Co., Inc.,

Plaintiff,

vs.

Fluor Enterprises, Inc., et al.,

Defendants.

Civil Action No.: 6:19-cv-2419-BHH

**PLAINTIFF'S MOTION TO FILE AN
AMENDED AND SUPPLEMENTAL
COMPLAINT**

YOU WIL PLEASE TAKE NOTICE, Plaintiff, Robert Lloyd Electric Co., Inc. ("Lloyd"), on the tenth day after service hereof or at such other time as it may be heard, will move the court for an order allowing Lloyd to file an amended and supplemental complaint in substantially the same form as the attached Proposed Amended and Supplemental Complaint.

The amendment and supplementation are sought pursuant to Rules 15(a)(2) and 15(d) of the Federal Rules of Civil Procedure.

The purpose of the Supplemental aspect of the new pleading is to address defendants' violation of S.C. Code Ann. §27-1-15. On September 24, 2019, Lloyd invoked the protections afforded an unpaid contractor in S.C. Code Ann. §27-1-15 by writing a certified letter requiring that Fluor make a fair and reasonable investigation of Lloyd's claim for unpaid monies and pay the undisputed amount within 45 days. On November 8, 2019, Fluor declined to pay Lloyd any money. Lloyd contends Fluor violated S.C. Code Ann. §27-1-15.

The proposed amendment arises from Lloyd's desire to add a *quantum meruit* cause of action as an alternative to the previously plead breach of contract cause of action and to correct scrivener's errors and acquiesce in Fluor's position that the case should be tried non-jury.

Pursuant to Local Civil Rule 7.02, the undersigned affirms that prior to filing this Motion, he conferred with opposing counsel and attempted in good faith to resolve the matter contained in the Motion.

Respectfully submitted,

ROGERS TOWNSEND, LLC

s/R. Bryan Barnes

R. Bryan Barnes (USDC Bar No. 1196)

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